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Attorneys for Plaintiff  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

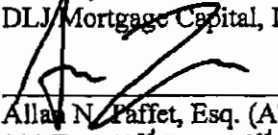
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DLJ MORTGAGE CAPITAL, INC.,  
:  
:  
Plaintiff, :  
:  
-against- :  
:  
SEA BREEZE FINANCIAL SERVICES, INC., :  
:  
Defendant. :  
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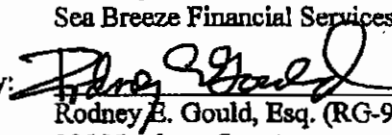
**STIPULATION AND  
ORDER OF DISMISSAL**

07 CV 3747 (PKC) (KNF)

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties, that: (1) the above-captioned action be and the same hereby is dismissed without prejudice as against defendant Sea Breeze Financial Services, Inc. pursuant to Rule 41(a) of the Federal Rules of Civil Procedure; and (2) should plaintiff commence another action against Sea Breeze Financial Services, Inc. arising from the same nucleus of operative facts, it must do so in the United States District Court for the Central District of California.

Dated: New York, New York  
June 23, 2008

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Attorneys for Plaintiff  
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SO ORDERED  
this 24 day of June, 2008

  
UNITED STATES DISTRICT JUDGE